



Center for
Children's
Advocacy

Educational Advocacy for Youth Ages 16-21

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Who are Our Youth?

- **Under age 18**
- **Ages 18 - 21**



Advocacy Makes a Difference



Isabel

- Age 20
- Special education student
- Arrested in school at age 16

Advocacy Makes a Difference



- Secured appropriate educational placement
- Allowed credit recovery and on-time graduation with peers
- Allowed job training, living skills and employment

Isabel is starting work and preparing to live on her own

What Difference Does Age Make?

Under 18

- Parent/guardian is normally educational decision maker
 - Includes youth under protective supervision
- If youth is committed, DCF is educational decision maker (or surrogate if youth has a disability)

18 and over

- Youth is decision maker
 - Unless youth wants parent or surrogate to remain
- Youth also may experience restrictions on access to education depending on how many credits s/he has

DCF Youth: Educational Stability is Critical

- Youth in out-of-home care may remain in school of origin
- Decision is made by DCF
- Presumption that child will remain in school of origin
- Decision governed by BIOC
- Objection to change of school placement must be within 3 business days after receipt of notice
- DCF administrative hearing must be within 3 business days after objection

CGSA 17a-16a

Educational Stability

Where will Jamie go to school?

- Grade 11 in Hartford
- On track to graduate next year
- Removed from home
- Placed in foster home in North Haven



Regular Education

- Constitutional right to education that meets minimum qualitative standard
- Right to **prompt** referral for evaluation if history of truancy, disciplinary problems, lack of academic success (34 CFR 300.111; CRSA 10-76d-7)
- Some regular education students with a disability may be entitled to accommodations under Sec. 504 of the Rehabilitation Act

Special Education...

more entitlements

Federal and state law grants extensive rights

- IDEA 20 USC 1400 et seq, implementing regulations at 34 CFR 300 et seq
- FAPE up to age 21
- Right to an IEP (Individualized Education Program)
- Transition planning for life after high school, ages 16 and up
- State law and regulations reaffirm these rights C.G.S.A. 10-76d, C.R.S.A. 10-76et seq.
- DCF committed youth have right to surrogate
- May defer diploma but still graduate with peers

Does your client have a disability?

Youth who have been subjected to abuse or neglect are often:

- Behind grade level
- Held back
- Have a history of disciplinary referrals
- Drop out of school
- Become unemployed adults

These youth:

- Need support, consistency and security from school
- Meet criteria for Special Ed or 504 accommodations

Child Find

- **IDEA**
Schools must locate, identify and evaluate all children with disabilities from birth through age 21.
- Mandate applies to ALL children, including those attending private schools and public schools, highly mobile children, migrant children, homeless children, and wards of state.

34 C.F.R. 300.111
C.R.S.A. 10-76d-7



Educational Surrogate

Appointed by Commissioner of Education

Appointed **in place of parent** to advocate for child's educational needs and participate in educational decision making for

- DCF committed youth already in special ed.
- Youth in DCF care suspected of needing special education

Surrogate can continue with youth until the age of 21 if client consents

CGSA 10-94g
34 CFR 300.519



Who Gets a Surrogate?

Serena

- Age 16
- IEP (learning disability)
- Committed to DCF



Terrell

- Age 18, senior in high school
- In DCF voluntary care
- Has never been in special education
- Long history of mental health issues that interfere with school



Advocating for youth with disabilities

- These youth face multiple barriers to a successful transition to life on their own
- Transition planning is a key entitlement for students with IEPs
- Facilitates movement from school to post-school

34 C.F.R. § 300.321(b)

Transition Services are Entitlement

- Includes post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living or community participation. 34 CFR 300.43
- IEP must include transition planning by the time student turns 16. Student must be included in planning process. 34 CFR 300.320 (b)

Transition Planning

- Must ensure the IEP has:
 - Detailed and individualized, based on goals and interests
 - Is informed by formal and informal transition assessments
 - Has measurable goals & objectives addressing:
 - Transition from high school to college
 - Transition to post secondary training
 - Transition to independent living
 - Development of community connections
 - Connection to adult service agencies



DCF Transition Plans

- Due 90 days prior to 18th birthday
 - However, start your advocacy earlier!
- Plan must address:
 - Housing
 - Budgeting
 - Income source
 - Life long adult connections
 - Important documents

DCF Policy 42-10-3

Diploma vs Graduation

Special Ed students who are not ready to graduate and still need work on transition skills have right to:

- Defer acceptance of diploma
- Participate in graduation and related activities with peers

Would this benefit your client?

Diploma = Exiting Special Ed

When your client accepts a diploma, s/he exits special education

- **Graduation requirements** (credits, mandated assessment standard) **do not equal readiness** to exit special education
- Youth may still need life skills, community connections, job readiness skills, college preparation . . .
- Fulfillment of transition goals and objectives is crucial gauge of readiness to exit special education

Transitioning to College

IDEA NO . . 504 YES

504 Accommodations

- Burden on student to seek accommodations with school's disability coordinator
- Student must show affirmative, current documentation of disability
- Typical accommodations include
 - Extra time for tests, assignments
 - Alternate testing sites
 - Access to assistive technology



School Access for Older Students

- Credits earned by age 19 impact placement
- Students without sufficient credits to graduate by age 21 may be placed in alternative school or recommended for adult education

Important: Youth have a right to receive credits from all placements they have attended

CGSA 10-220(a), 20-220h, 10-221a



Post-Secondary Expenses

DCF Policy

- DCF youth eligible for financial assistance to age 23
- College, technical school or state-accredited job training
- Part-time attendance may qualify under certain circumstances with approval of Commissioner

DCF Policy 42-20-20

How to Qualify for PSE

- PSE education plan approved by DCF PSE consultant
- Voluntarily agree to receive services from DCF
- Demonstrate ability and desire to attend PSE
- Complete FAFSA
- Apply for grants and scholarships to offset cost

DCF Policy 42-20-20

Issue Spotting

Tina

- Age 18
- Special Education student
- IEP
- In voluntary DCF care
- Enough credits to graduate but not prepared for college



Issue Spotting

Jose

- Age 17
- Committed to DCF
- APPLA permanency goal
- Moved often, went to several schools
- Not sure what to do after high school or how to plan
- Needs accommodations for post-secondary education



Issue Spotting

Maria

- Turns 18 next month
- Recently committed to DCF
- Wants to stay with DCF on voluntary basis
- Not enrolled in school due to recent move and says she wants to dropout



Questions?

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